

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

KYLE MATTHEW TURNER,)	No. ED104164
)	
Movant/Appellant,)	Appeal from the Circuit Court of
)	Warren County
v.)	
)	Honorable Wesley C. Dalton
STATE OF MISSOURI,)	
)	
Respondent/Respondent.)	Filed: November 1, 2016

Kyle Matthew Turner (Appellant) appeals from the motion court's judgment dismissing his Rule 24.035¹ motion for post-conviction relief seeking to set aside his guilty plea to two counts of first-degree robbery and two counts of armed criminal action as untimely filed.

REVERSED AND REMANDED.

Division Two Holds: The motion court's judgment dismissing Appellant's Rule 24.035 motion as untimely filed more than 180 days after he was delivered to the custody of the Department of Corrections is in error because the motion court miscalculated the date in that the date calculation began on August 18, 2015, the day after Appellant was delivered to the DOC, and ended on February 16, 2016, the day following a holiday weekend pursuant to Rule 44.01,² within 180 days.

Opinion by: Sherri B. Sullivan, P.J. Roy L. Richter, J., and Colleen Dolan, J., concur.

Attorney for Appellant: Pro Se

Attorney for Respondent: Collette E. Neuner

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>

¹Mo. R. Crim. P. 2015.

²Mo. R. Civ. P. 2015.